

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PAULYNNE, INC. an Illinois corporation

Plaintiff,

v.

PARAMOUNT GLOBAL, a Delaware corporation;

Defendant.

Case No.

COMPLAINT

Plaintiff, Paulynne, Inc. (“Paulynne”), by and through its undersigned counsel, as and for its Complaint against defendant, Paramount Global (“Paramount”) (“Defendant”), hereby alleges as follows:

Nature of Action

1. This is a civil action for damages for copyright infringement under the U.S. Copyright Act (17 U.S.C. § 101 *et seq.*) (the “Copyright Act”). This action arises out of Defendant’s unauthorized use of a sound recording owned by Plaintiff, a radio broadcast by the late, legendary radio personality, Paul Harvey, in the season finale episode of Defendant’s hit show *Landman*, without Paulynne’s prior knowledge or consent. Paulynne seeks monetary and injunctive relief as afforded under the Copyright Act.

Jurisdiction and Venue

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338 (a) and (b).

3. Venue is proper in this District under 28 U.S.C. § 1391 (b) and (c) in that a substantial part of the acts of infringement complained of herein occurred in New York and in this District and Defendant conducts business in New York and this District.

Parties

4. Paulyenne is an Illinois corporation with a principal place of business located at 1027 Park Avenue, River Forest, IL 60305.

5. Paramount is a Delaware corporation authorized to do business in the State of New York with a principal place of business located at 1515 Broadway, New York, NY 10036.

Factual Background

6. Paul Harvey (1918-2009) was an iconic American radio broadcaster for ABC Radio Networks for more than five decades. In 2005 he received the Presidential Medal of Freedom for his life's work. Mr. Harvey's radio shows included *Paul Harvey News and Comment*, which aired from 1951-2008, and his beloved program *The Rest of the Story*, which aired from 1976-2008. During his radio career, Mr. Harvey's programs reached as many as 24 million people per week. His programs were carried on 1,200 radio stations, on 400 America Forces Network stations, and transcribed in 300 newspapers. Mr. Harvey was known for his distinctive voice, enthralling storytelling and emphatic style of speech. He often stressed American traditional values of hard work, common sense, community and patriotism.

7. Paulyenne, which was founded by Mr. Harvey and his wife and colleague, Lynne Cooper Harvey, represents Paul Harvey's estate. Paulyenne works to preserve Mr. Harvey's towering legacy as a radio broadcaster and administers all rights, including copyrights, in and to his works.

8. Mr. Harvey's popularity among listeners continued well after his death in 2009. In 2013, a sound recording of Mr. Harvey's speech, *So God Made a Farmer*, was featured in a Super Bowl ad for Ram Trucks. Use of the speech in the ad commanded substantial license fees. The ad was considered one of the most popular ads of the Super Bowl that year and within one week

after airing it garnered nearly 18 million views on YouTube.¹ To this day, Paulyenne derives significant income from licensing the sound recording to third parties for commercial use.

9. As part of *The Rest of the Story* series, Mr. Harvey, along with his wife and son, Paul Harvey, Jr., wrote and recorded a segment in 2008 known as *Gas Crisis* (the “Gas Crisis Recording”). In that segment, Mr. Harvey discusses that rising gas prices are more than just the result of market forces and the greed of oil companies. Prices are also deliberately manipulated by governments and certain corporations to advance broader agendas, such as funding government projects, controlling consumer behavior and creating a distraction from other policy issues. Audio of the Gas Crisis Recording can be accessed [here](#).

10. The Gas Crisis Recording is subject to a valid and subsisting Certificate of Registration obtained from the U.S. Copyright Office under SR-1-027-745 (the “Registration”). A copy of the Registration is attached hereto as Exhibit 1.

11. Defendant produces the big-budget show *Landman* starring, among others, Billy Bob Thorton, Jon Hamm and Demi Moore, on its streaming service Paramount+. *Landman* is a modern-day tale of fortune seeking set in the oilfields of West Texas during a recent boom in the oil and gas sector.

12. Defendant is undoubtedly aware of Mr. Harvey’s popularity and influence, and leveraged his name recognition with viewers by incorporating the Gas Crisis Recording into an episode of *Landman*. Specifically, approximately ninety (90) seconds of the Gas Crisis Recording was featured in the opening segment of Episode 10 of Season 1 (the “Infringing Episode”), which was also the season finale that aired on Paramount+ on January 12, 2025.

13. To draw an immediate association with Mr. Harvey, the Infringing Episode begins

¹ See https://www.mlive.com/auto/2013/02/ram_farmer_super_bowl_ad_tops.html

with his famous introduction to *The Rest of the Story* program: “Now, The Rest of the Story...” Defendant made it obvious to viewers that the recording used in the show was directly sourced from Mr. Harvey’s *The Rest of the Story* broadcasts. An excerpt of the Infringing Episode embodying the Gas Crisis Recording can be accessed [here](#).

14. In addition to copying substantial excerpts from the Gas Crisis Recording, the Infringing Episode also deliberately edits and presents portions of Mr. Harvey’s recording out of context to support the show’s pro-oil industry themes.

15. Counsel for Paulynne attempted to contact Defendant and the producers of the Infringing Episode by a letter dated March 14, 2025 (the “Notice”) and also later by phone to offer to resolve the infringement. Significantly, Defendant failed to respond to the Notice and the phone calls, and the infringement continues unabated at Paulynne’s expense.

16. Defendant’s use of the Gas Crisis Recording in the Infringing Episode without Paulynne’s prior knowledge and consent is willful in nature, remains continuous and ongoing, and violates Paulynne’s copyrights in and to the recording. Defendant’s commercial exploitation of the Gas Crisis Recording has resulted in a financial benefit to Defendant and the loss of substantial licensing income to Paulynne.

CLAIM FOR RELIEF
(Copyright Infringement, 17 U.S.C. §§ 106, 501)

17. Paulynne hereby incorporates Paragraphs 1 through 14 of this Complaint as if fully set forth herein.

18. Paulynne is the sole and exclusive owner of all rights, including copyrights, in and to the Gas Crisis Recording. The Gas Crisis Recording is a registered work subject to the protection of the Registration.

19. Defendant had access to the Gas Crisis Recording by sourcing it from an online

platform, and there is no dispute that the recording is featured as the opening monologue of the Infringing Episode.

20. Defendant infringed Paulyenne's exclusive rights as the copyright owner of the Gas Crisis Recording by intentionally reproducing the recording in the Infringing Episode, which is available to approximately 77.5 million subscribers worldwide² on Defendant's streaming service Paramount+, without Paulyenne's prior knowledge and consent, and all without compensating Paulyenne with substantial license fees customarily paid for such a commercial use.

21. Defendant's willful acts of infringements remain ongoing. Despite Paulyenne providing Defendant with the Notice detailing its unlawful acts, Defendant has failed to respond and continues to use the Gas Crisis Recording as part of the Infringing Episode without ever addressing its infringing activity.

22. Due to Defendants' acts of copyright infringement, Paulyenne has suffered general and special damages in an amount to be established at trial.

23. Due to Defendant's acts of copyright infringement, Defendant has obtained direct and indirect profits they would not otherwise have been realized but for their infringement of Paulyenne's rights in and to the Gas Crisis Recording. Accordingly, Paulyenne is entitled to disgorgement of Defendant's profits directly and indirectly attributable to Defendant's infringement of Paulyenne's rights in and to the Gas Crisis Recording in an amount to be established at trial.

24. Defendants have committed acts of copyright infringement that were willful, intentional and malicious, which further subjects Defendants to liability for statutory damages

² See <https://www.sportspro.com/news/paramount-plus-q4-2024-subscriber-growth-financials-revenue-february-2025/#:~:text=Paramount+%20subscriber%20total%20now%20stands,Comment:>

under Section 504(c)(2) of the Copyright Act in the sum of up to \$150,000.00 per infringement and/or a preclusion from asserting certain equitable and other defenses.

Prayer for Relief

WHEREFORE, Paulynne prays for judgment as follows:

a. That Defendants, as well as their respective employees, agents, or anyone acting in concert with them, be enjoined from infringing Paulynne's copyrights in and to the Gas Crisis Recording, including without limitation an order requiring Defendants to: (i) remove any content incorporating, in whole or in part, the Gas Crisis Recording from any web or other platform used, owned, operated, or controlled by Defendant; and (ii) cease and desist from any further use of the Gas Crisis Recording in connection with Infringing Episode or otherwise.

b. That Paulynne be awarded all profits of Defendant, plus all losses of Paulynne, plus any other monetary advantage gained by Defendant through its infringement, the exact sum to be proven at the time of trial, and, to the extent available, statutory damages as available under the 17 U.S.C. § 504 and other applicable law.

c. That a constructive trust be entered over any revenues or other proceeds realized by Defendant through their infringement of Paulynne's intellectual property rights.

d. That Paulynne be awarded its attorneys' fees as available under the Copyright Act U.S.C. § 505.

e. That Paulynne be awarded its costs and fees.

f. That Paulynne be awarded statutory and enhanced damages for each infringement.

g. That Paulynne be awarded pre-judgment interest as allowed by law; and

h. That Paulynne be awarded further legal and equitable relief as deemed proper.


JURY DEMAND

Paulynne demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P. 38.

Respectfully submitted,

PELOSI WOLF SPATES LLP

DATED: June 23, 2025

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